

A Safer America

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By Paul Wormeli and Steven G. Mednick

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Homeland Security Secretary Janet Napolitano recently warned Congress that "the terrorist threat" has evolved significantly. Citing an increase in extremists within our borders and the "lone wolf" operators, she pointed out that there is clearly a need for vigilance.

One of the new tools for reporting and analyzing potential threats is the Nationwide Suspicious Activity Reporting Initiative (NSI). This new program builds on what law enforcement and other public safety agencies have been doing for years - gathering information about behaviors and incidents associated with criminal activity. The NSI establishes a standardized process whereby relevant information can be shared among agencies to help detect and prevent terrorism-related activity.

The NSI has faced criticism by various news outlets, including The Washington Post, which recently depicted the initiative as an unregulated and undisciplined foray into a world too sophisticated for state and local law enforcement officials.

The truth is that a single observation or report that might not seem significant may, when blended with other actions, materialize as a composite pointing to possible criminal or terrorist activity. When the Department of Justice established an NSI Program Management Office to facilitate the implementation of the initiative across all levels of government, it had two missions: to foster broader sharing of information concerning suspicious activities and to protect and defend privacy, civil rights and civil liberties. The record attests to its success. America is safer, and in three years not a single case has been brought alleging a violation of civil rights.

The NSI is designed to collect data on suspicious acts and behaviors that may have a nexus to criminal or terrorist activity - behaviors, not individuals. A massive training program is under way to acquaint local police with privacy principles and the proper collection of information about suspicious activity as part of a disciplined national system where data is managed and shared among state fusion centers. Data collected within the NSI is controlled by the state fusion centers. Access to this distributed system is constricted by a secure portal to preserve privacy and civil rights protections and honor each state's statutory privacy policies. Fusion centers can't participate in the program or have access to data from other centers without first adopting a privacy plan approved by the departments of Justice and Homeland Security.

In 2008-2009, the presidentially appointed program manager for the Information Sharing Environment

evaluated the NSI program and concluded that the unified process not only enhanced counterterrorism efforts, but also strengthened privacy, civil rights and civil liberties protections. Today the NSI is one of the nation's most significant accomplishments in counterterrorism efforts and information sharing: an interrelated set of harmonized policies, processes and systems to empower the men and women on the front lines to access and share the information they need to keep the country safe. There should be no debate about the concerns (shared by public officials, law enforcement and civil libertarians) that there is a need for thoughtful coordination and oversight over programs such as the NSI. A major step forward would be eradication of the stovepipe culture that permeates so much of the thinking in Congress, sectors of the executive branch and the fourth estate.

It could well be that the next attack against a major city will be launched from the suburbs. To be prepared or perhaps to prevent such acts, we need a plan of defense at all government levels. It is clear from the available data that an effective NSI will make us safer. Thoughtful leadership can balance the mission of preventing terrorist acts and advancing national security with the utmost respect for that most fundamental right, personal privacy.

Paul Wormeli and Steven G. Mednick are the executive director emeritus and general counsel, respectively, of the [IJIS Institute](#)^[5], a nonprofit organization that brings together industry and government to improve national security and promote information sharing. This article represents their personal views.

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